



California Regulatory Notice Register

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2003 RULEMAKING CALENDAR

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. CALIFORNIA WORKFORCE INVESTMENT BOARD

NOTICE OF INTENTION TO FILE THE CONFLICT OF INTEREST CODE AND APPENDIX OF THE CALIFORNIA WORKFORCE INVESTMENT BOARD BY THE DIRECTOR OF THE CALIFORNIA WORKFORCE INVESTMENT BOARD: CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 97, SECTION 58600

The Executive Director of the California Workforce Investment Board ("Director") proposes to adopt a regulation filing the Board's Conflict of Interest Code ("Code"), as required by Government Code Sections 87300-87302, and 87306, et seq.

OBTAINING COPIES

Copies of the proposed Code are available to interested persons on request. Copies may be obtained by writing to:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

By telephoning and requesting a copy:
(916) 324-3425

By an in-person visit to the office of the California Workforce Investment Board at:

California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

The proposed Code may also be viewed on the Board's website. The internet address of the Board's website is: <http://www.calwia.org/>

DESIGNATIONS AND DISCLOSURE RESPONSIBILITIES

The California Workforce Investment Board has prepared a written explanation of the reasons for the designations and the disclosure responsibilities contained in its proposed Conflict of Interest Code, presented as an appendix to the Code. Any interested

person may request to view information upon which its proposal is based by submitting a written request to the Board by mail at:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

EMPLOYEE NOTICE

Pursuant to the requirements of Government Code Section 87311, a copy of this notice is being provided to each employee of the agency affected by the proposed code at this time, which is at least 45 days before the hearing or the close of the public comment period.

SUBMITTING COMMENTS

Any person may submit written comments, including statements, arguments, or contentions regarding the proposed Code. Any timely submitted written comments must be considered by the Director before the proposed amendment is finally adopted. Any written comments should be submitted to:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

Written comments may also be submitted in person by delivering to the California Workforce Investment Board at:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

In order for any written comments to be considered by the Board before it adopts the Conflict of Interest Code, they must be actually received in the offices of the Board by 5:00PM, Friday, October 24, 2003.

FURTHER INFORMATION

Inquiries concerning the proposed amendment to the Conflict of Interest Code may be made to:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

REQUESTING A PUBLIC HEARING

Any interested person may request that the Board hold a public hearing on the proposed Conflict of Interest Code, by submitting a written request to the Board by mail at:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

or in person at:

Kevin Woolfork
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento, CA 95814

A request for a public hearing must be actually received in the offices of the Board by 5:00PM, Friday, October 24, 2003.

If a public hearing on the Board's proposed Conflict Of Interest Code is held, pursuant to FPPC Regulation 18750(c)(d)(h), the Board shall, to the extent practicable, provide notice of the time, date and place of the hearing by mailing the notice to every person who submitted written comments, or who requested a hearing, on the proposed code. The Board shall provide a summary of any hearing held on the Code, with appropriate identification of any areas of controversy and the manner of their resolution. The Board shall also provide copies of all written submissions made to the Board regarding the proposed Code, unless the person making the written submission requests its omission.

BOARD ACTION ON THE PROPOSED CODE

The California Workforce Investment Board will discuss and vote upon the adoption of the proposed Conflict Of Interest Code at its next regularly scheduled meeting. This meeting shall be held as follows:

California Workforce Investment Board
Sierra Health Foundation
1321 Garden Highway
Sacramento, California 95833
Wednesday, November 19, 2003
9:30 a.m.-4:30 p.m.

FINDINGS

The adoption of the proposed Conflict of Interest Code will not impose a cost or savings on any state agency, local agency, or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The adoption will not result in any non-discretionary cost or savings to local agencies. The adoption will not result in any non-discretionary cost or savings in federal funding to the State. The adoption will not impose a mandate on local agencies or school districts. The adoption will not have any potential cost impact on private persons or small businesses.

The Board has determined that no alternative considered by the Board would be more effective in carrying out the purpose for which the Conflict of Interest Code is proposed or would be more effective and less burdensome to affected persons than the proposed Code.

SUMMARY OF PROPOSED CHANGES

The Political Reform Act (Government Code Sections 81000, et seq.), requires state and local agencies to adopt and promulgate Conflict of Interest Codes. The California Workforce Investment Board is proposing to adopt such a Code, in accordance with Fair Political Practices Commission Regulations (Title 2, Division 6, California Code of Regulations, section 18730). This Code is proposed to be adopted in the California Code of Regulations, Title 2, Chapter 97, Section 58600.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Modesto Irrigation District

STATE AGENCY:

Department of Motor Vehicles

A written comment period has been established commencing on **September 19, 2003** and closing on **November 3, 2003**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 3, 2003**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES AMENDMENTS TO REGULATION SECTION 1859.77.2, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO THE LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend this regulation under the authority provided by Section 17072.13 of the Education Code. The proposal interprets and makes specific reference to Sections 17072.13 and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Leroy F. Greene School Facility Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facility Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999. Amendments to Regulation Section 1859.77.2 pertaining to the use of new construction grants are being proposed.

Existing Regulation Section 1859.77.2 allows a school district to receive new construction grants that exceed the capacity of a project and to use grant eligibility determined at a grade level other than the proposed project. It also allows school districts to request to use a reasonable number of grants to construct needed facilities, some of which by their

nature do not house students (i.e., gymnasiums, libraries, multi-purpose rooms). The proposed amendments will limit the number of school district requests for projects that can utilize use of grants and will eliminate the method of multi-track year-round education as a means to house displaced students.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school district to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the state.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section

4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than November 3, 2003 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 322-1043. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Dennis Boydston, at (916) 322-0327.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation

coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES AMENDMENTS TO REGULATION SECTION 1555, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO STATE ALLOCATION BOARD MEETINGS

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing amendments to this regulation section under the authority provided by Section 16009 of the Education Code and Section 15503 of the Government Code. The proposal interprets and make specific reference to Section 1, Article 16, California Constitution; Sections 7.8 and 15490 of the Government Code; and Section 16009 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Historically, the SAB has operated as a seven-member Board, however, implementation of Chapter 33, Statutes of 2002, changed the make-up of the SAB from seven members to ten members. Existing Regulation Section 1555 sets forth the entities that make-up the seven-member Board, and also identifies a specific number that relates to the entities that shall constitute a quorum as well as to the consensus vote that is required for all decisions or actions of the SAB. The proposed amendments reflect the appropriate number constituting a quorum and the appropriate number constituting a consensus vote in order for the SAB to make decisions and apportionments related to school facilities issues, based on the ten-member Board. Additionally, the proposed amendments delete language that sets forth the entities that make-up the Board. This language is reflected in Section 15490 of the Government Code.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the state.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to the SAB for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed

regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than November 3, 2003 at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 322-1043. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Dennis Boydston, at (916) 322-0327.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text

will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STATE LANDS COMMISSION

DIVISION 3. STATE PROPERTY OPERATIONS ARTICLE 5.6 OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK REDUCTION

NOTICE OF PROPOSED RULEMAKING

The California State Lands Commission ("the Commission") proposes to adopt the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt a new regulation under Article 5.6, Section 2580, to Title 2, Division 3, Chapter 1 of the California Code of Regulations, Oil Transfer and Transportation Emission and Risk Reduction Form. This section requires responsible parties engaged in the internal shipment of oil as defined in Section 8782 of the Public Resources Code to comply with the provisions of Section 8783 of the Public Resources Code.

The proposed regulatory form would specify information reporting requirements and instructions for responsible parties engaged in the internal shipment of oil. The reporting of this information will allow the Commission to collect and analyze all pertinent emissions data resulting from vessels involved with the internal shipment of that oil.

PUBLIC HEARING

The Commission Staff has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 PM on November 3, 2003. All written comments must be received at the Commission by that time. Written comments should be submitted to:

California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Attention: Livin Prabhu

Written comments may also be submitted by facsimile to (562) 499-6317, attention Livin Prabhu or by e-mail to "prabhul@slc.ca.gov"

AUTHORITY AND REFERENCE

P.R.C. Section 8783 directs the Commission to develop a form to be completed by the responsible party engaged in the internal shipment of oil as defined in P.R.C. Section 8782. Accordingly, the proposed regulation would implement, interpret, or make specific the required information specified in Section 8783.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to adopt Section 2580 in Title 2 of the California Code of Regulations

P.R.C Section 8783 directs the Commission to develop a form to be completed by the responsible party engaged in the internal shipment of oil as defined in Section 8782. The purpose of this form is to enable the Commission to obtain information and track the amount and type of oil transported, as well as the name of the vessel, the vessel's route, and air emissions relating to the internal shipment of that oil.

Section 2580 California Code of Regulations, Oil Transfer and Transportation Emission and Risk Reduction Form will allow the Commission to collect the necessary data required by P.R.C. Section 8783 to effectively estimate and report to legislature in summary as required in P.R.C Section 8784.

The "Oil Transfer And Transportation Emission And Risk Reduction Form" (OTTER), has been incorporated by reference and available for review in the Initial Statement of Reasons.

The Commission is now proposing a new Article 5.6, "Oil Transfer and Transportation Emission and Risk Reduction", under Title 2, Division 3, Chapter 1, Article 5.6 of the CCR, consisting of a single Section 2580.

§ 2580 would establish reporting requirements for responsible parties involved in the internal shipment of oil as defined in Section 8782 of the Public Resources Code (P.R.C.) to comply with the provisions of Section 8783 of the Public Resources Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following determinations:

The Commission has determined that the proposed regulation does not impose any mandates on local agencies or school districts.

The Commission has also determined that the proposed regulation does not impose any mandate requiring state reimbursement to any local agency or school district, pursuant to Government Code Sections 17500 *et seq.* No other non-discretionary cost or savings imposed on local agencies is anticipated.

The Commission has determined that no other costs or savings to any other state agencies are anticipated.

The Commission has determined that the proposed regulation will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Commission has determined that the proposed regulation will have no significant impact upon any of the following:

- (1) Creation or elimination of jobs within the State of California;
- (2) Creation of new business or the elimination of existing businesses within the State of California; and
- (3) Expansion of businesses currently doing business within the State of California.

The Commission has determined that adoption of this regulation will not affect small businesses. None of the business that will be governed by these proposed regulations can be considered to be a 'small business' as defined in Gov. Code § 11342.610.

The Commission has determined that the proposed regulation will have no significant effects on housing costs.

The Commission has determined that the proposed regulation will have no impact on costs or savings in Federal funding to the State.

The Commission finds that the adoption of this regulation, which requires a report applying to businesses, is necessary for the health, safety or welfare of the people of this state.

FISCAL IMPACT STATEMENT/FORM 399

The proposed regulations are reporting requirements only, as specified in P.R.C Section 8783. Therefore, minimal costs will be incurred.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Please direct all questions regarding the proposed regulations to:

Livin D. Prabhu
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate Suite 900
Long Beach, CA 90802-4335
Telephone: (562) 499-6312
Facsimile: (562) 499-6317

Alternate Contact:

Mark A. Meier
Senior Staff Counsel
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Telephone: (916) 574-1853
Facsimile: (916) 481-1855

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Long Beach office. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above or by e-mail to "prabhul@slc.ca.gov"

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least fifteen days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin D. Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Livin D. Prabhu at the above mentioned address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of regulations can be accessed through our website at

**[http://www.slc.ca.gov/Division_Pages/MFD/
MFD_Home.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm)**

**TITLE 5. COMMISSION ON
TEACHER CREDENTIALING**

**DIVISION VIII OF TITLE 5
CALIFORNIA CODE OF REGULATIONS**

**PROPOSED AMENDMENT OF SECTIONS
80032.2, 80058.2, 80466 and 80523.3 PERTAINING
TO SPECIAL EDUCATION COURSEWORK FOR
THE CLEAR TEACHING CREDENTIAL,
CONTINUANCE AND EXTENSION OF
SERVICE, TEACHING EXPERIENCE IN LIEU OF
PROFESSIONAL PREPARATION AND
ADMINISTRATIVE SERVICES EXPERIENCE**

NOTICE OF PROPOSED RULEMAKING

The Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed actions.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

November 6, 2003

10:00 am

California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Dale Janssen at (916) 323-5065 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on November 4, 2003. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3166; write to the California Commission on Teacher Credentialing, attention Dale Janssen, 1900 Capitol Avenue, Sacramento, CA 95814; or submit an e-mail at djanssen@ctc.ca.gov.

Any written comments received 21 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code Section 44225 authorizes the Commission to adopt the proposed actions, which will implement, interpret or make specific sections 44259, 44344, 44320, 44321, 44270.1(A)(2) of the Education Code and govern the procedures of the Commission.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations.

Section 80032.2 Special Education Coursework for the Clear Teaching Credential

This section outlined the specific elements required for special education training for teachers and administrators. This section became effective on November 6, 1978. Senate Bill 2042 (Statutes of 1998, Chapter 548, Alpert-Mazzoni) changed the special education training in Education Code Section 44259 to be a requirement in both the preliminary and professional clear credentials and became a part of the standards approved by the Commission implementing SB 2042. Staff is recommending deleting this section because the special education requirement has changed and is now included in the teacher preparation program standards.

Section 80058.2 Continuance and Extension of Service

This section of Title 5 became effective on November 29, 1978. The Education Code reference for this section is 44344. This section of the Education Code refers to the transition from the Standard credentials to the Ryan credentials. Consequently this section of Title 5 is obsolete. School districts continue to use the provisions of this section, which now are in conflict with AB 2859 (Statutes of 2002, Chapter 1069, Aroner), which requires all certificated staff to hold a credential issued by the Commission on Teacher Credentialing. If an audit finds that a teacher is serving without a credential both the school district and the county office of education are subject to a fine. AB 2859 does not allow a lapse in a credential as provided for in this section. Staff is recommending deletion of this section based on the Education Code reference and the provisions of AB 2859.

Section 80466 Teaching Experience in Lieu of Professional Preparation

AB 877 (Statutes of 2000, Chapter 703, Scott) required that the Commission review standards from other states and determine if they are equivalent to the ones established by the Commission. The Commission has approved 37 states as equivalent states. If an individual completes a program in a state that has been determined to be equivalent, the Commission accepts that program even if student teaching was met through experience. Rather than the Commission staff determine if three years teacher experience is equal to student teaching, Commission staff now relies solely upon the credentialing requirements from other states, consequently this section is no longer necessary

Section 80523.3 Administrative Services Experience

Commission staff no longer uses this section of Title 5. Institutions of higher education that offer Commission-accredited administrative services preparation programs now have the authority to determine whether experience is administrative in nature, rather than the Commission staff, consequently this section is no longer necessary.

Documents Incorporated by Reference

None

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandated costs to local agencies or school districts:
None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code § 11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small business. The regulations are not mandatory but an option that effects public school districts and county offices of education.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Dale Janssen at (916) 323-5065 or Dale Janssen, Commission on Teacher Credentialing, 1900 Capitol Ave. Sacramento, CA 95814. General question inquiries may also be directed to Debra Moss at (916) 322-4974 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the documents incorporated by reference. This information is also available on the Commission's web-site at <<http://www.ctc.ca.gov>>. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION(S)

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at <<http://www.ctc.ca.gov>> or you may obtain a copy by contacting Dale Janssen at (916) 323-5065.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

TITLE. 16 DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Four Points Sheraton Hotel, 9750 Airport Boulevard, Los Angeles, California 90045. The telephone number is (310) 649-7024. The hearing will be held at 1:30 p.m. on November 7, 2003.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, November 3, 2003, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614, 1724 and 1724.5 of the Business and Professions Code, and to implement Sections 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations, Section 1021

Business and Professions Code 1646.6 specifies that the fee for General Anesthesia onsite inspections and evaluations shall not exceed \$350. This proposal would increase the fee for General Anesthesia onsite inspections to \$350. Business and Professions Code 1647.8 specifies that the fee for Conscious Sedation onsite inspections and evaluations shall not exceed \$350. This proposal would increase the fee for Conscious Sedation onsite inspections and evaluations to \$350.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

BUSINESS IMPACT

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

IMPACT ON JOBS/NEW BUSINESSES

The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Dental Board of California has determined that the proposal will have a minimal impact of an increase of \$100 for new applicants, from \$250 to \$350, for the cost of on-site inspection and evaluation to apply for the General Anesthesia or Conscious Sedation permits. For those dentists who currently hold General Anesthesia or Conscious Sedation permits, they are

subject to onsite inspection and evaluation at least once every six years. Thus, there would be a minimal impact of an increase of \$100, from \$250 to \$350, for the onsite and evaluation at least once every six years.

EFFECTS ON HOUSING COSTS

None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses because these regulations relate to the increase in the General Anesthesia or Conscious Sedation permit of \$100, from \$250 to \$350, for new applicants and for those dentists who currently hold General Anesthesia or Conscious Sedation permits who are subject to onsite inspection and evaluation at least once every six years.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which is considered or that has otherwise been identified and bought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons that the proposed described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written

request to the contact person named below [or by accessing the website listed below].

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
 Address: 1432 Howe Avenue, Suite 85
 Sacramento, California 95825
 Telephone: (916) 263-2300
 Fax Number: (916) 263-2410
 E-Mail Address: linda_madden@dca.ca.gov
 The back-up contact person is:
 Name: Georgetta Coleman-Griffith
 Address: 1428 Howe Avenue, Suite 58
 Sacramento, California 95825
 E-Mail Address: Georgetta_Coleman-Griffith@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Suites, 701 A Street, San Diego, California, at 10:00a.m., on Friday, November 7, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on November 4, 2003 or must be received by the Medical Board at the hearing. The Medical Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 803.1 and 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 803.1 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 1355.31.

When disclosing settlement information required by Business and Professions Code Section 803.1, existing law requires the Board to define high and low risk medical specialties and to define what constitutes an "average," "below average," or "above average" settlement.

This proposal would define high and low risk medical specialties and set a formula by which the Board will determine whether settlements are reported to the public as average, below average, or above average.

The objective of this proposal is to set standards for disclosure of settlement information in accordance with Business and Professions Code Section 803.1.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

BUSINESS IMPACT

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

Business & Professions Code Section 803.1 relates to the disclosing of data to the public. The proposed action of this Board will have no impact other than that imposed by the statute itself.

IMPACT ON JOBS/NEW BUSINESSES

The Medical Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses since this language only addresses multiple malpractice settlements made by individuals.

CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California at 1426 Howe Avenue, Suite 92, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the substance of the proposed regulations may be addressed to:

Name: Janie Cordray
Address: Medical Board of California
1426 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: 916-263-2389
Fax No.: 916-263-2387
E-Mail Address: jcordray@medbd.ca.gov

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kevin A. Schunke
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2368
Fax No.: (916) 263-2387
E-Mail Address: Kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda K. Whitney
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: Lwhitney@medbd.ca.gov

Web site Access: Materials regarding this proposal can be found at www.medbd.ca.gov.

**TITLE 16. PHYSICAL
THERAPY BOARD**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Washington Inn Oakland, 495 Tenth Street, Oakland, California 94607, Friday, November 7, 2003 at 9:00 am. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on November 3, 2003 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party,

may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2615 of the Business and Professions Code, and to implement, interpret or make specific section 2660.2 the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1) Adopt section 1399.16

Business and Professions Code section 2660.2 authorizes the Board to issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but who has met all other requirements for licensure.

Section 1398.4 of the California Code of Regulations delegates to the executive officer, or in his or her absence the president and vice-president, all functions necessary to the dispatch of business of the Board in connection with investigative and administrative proceedings under the jurisdiction of the board, except for those powers reserved exclusively to the "agency itself" under the Administrative Procedures Act. While the intent of the statute (section 2660.2 of the Business and Professions Code) was for the executive officer to continue to make the initial licensure decision, Section 2660.2 of the Business and Professions Code states the Board may in its sole discretion issue a probationary license to any applicant for licensure who is guilty of unprofessional conduct but who has met all other requirements for licensure.

The use of the phrase "the Board in its sole discretion" could raise an issue as to whether the Board members must approve all initial probationary licenses. Approval by the Board members of the initial probationary license would be in conflict if the probationary license were appealed and the Board members had to make a decision on an administrative law judge's Proposed Decision.

Further, section 2660.2 provides when an initial probationary license may be issued and specifies some possible restrictions, but does not place any limitation on restrictions or guidelines such as the length of

probation. Applicants will be provided with additional knowledge of what restrictions may be placed on a license by including a reference to the Board's Disciplinary Guidelines (section 1399.15) in the proposed regulation.

The addition of Section 1399.16 will clarify the intent of section 2660.2 by delegating to the executive officer the authority to issue an initial probationary license and to require the use of the Board's Disciplinary Guidelines as a guideline for the issuance of an initial probationary license.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would not affect small businesses since the responsibility of compliance is placed with the individual licensee.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Elsa Ybarra
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 561- 8200 Ext. 8262
(916) 263-2560—Fax Number
Elsa_Ybarra@dca.ca.gov

The backup contact person is:

Steve Hartzell
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 561-8200 Ext. 8250
(916) 263-2560—Fax Number
Steve_Hartzell@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Elsa Ybarra at (916) 561-8200 Ext. 8260.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 20. CALIFORNIA ENERGY COMMISSION

RESIDENTIAL CLOTHES WASHER REGULATIONS

PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 20: DIVISION 2, CHAPTER 4: ENERGY CONSERVATION, ARTICLE 4: APPLIANCE EFFICIENCY REGULATIONS SECTIONS 1601–1608

Docket No. 03-AAER-01(RCW)

PLEASE TAKE NOTICE that the California Energy Commission proposes to adopt water efficiency standards, and regulations requiring the submittal of data on water efficiency, for residential clothes washers. The proposed standards are for a maximum water factor (“WF”) of 8.5 for units manufactured on or after January 1, 2007, and a maximum WF of 6.0 for units manufactured on or after January 1, 2010.

PUBLIC HEARINGS

The Commission will consider adopting the proposed regulations at a public hearing:

Wednesday, November 5, 2003
10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

The Commission’s Efficiency Committee will also hold a hearing on the proposed regulations:

Wednesday, October 15, 2003
10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

At the hearings any interested person may make written or oral comments on the proposed regulations.

In addition, any interested person may submit written comments, as described below.

WRITTEN COMMENTS

Any interested person may submit written comments on the proposed regulations. ***In order to be considered, written comments must be received at the Commission no later than 3:00 p.m. on Tuesday, November 4, 2003.*** Written comments shall be mailed or delivered to the following address:

Docket No. 03-AAER-01(RCW)
Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5512

We request that all written comments be titled "Docket No. 03-AAER-01(RCW)."

AUTHORITY AND REFERENCE

The Commission proposes to adopt the regulations under the authority of Public Resources Code Sections 25213, 25218(e), 25402(a)–(c), and 25402(e)(1). The proposed regulations would implement, interpret, and make specific Public Resources Code Sections 25402(a)–(c) and 25402(e)(1).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law (Public Resources Code Section, 25402(c)) requires the Commission to adopt regulations that prescribe minimum efficiency levels for appliances. The proposed regulations would establish new standards for the water efficiency of residential clothes washers: a maximum water factor ("WF") of 8.5 for units manufactured on or after January 1, 2007, and a maximum WF of 6.0 for units manufactured on or after January 1, 2010. (Water factor is calculated by dividing (1) the total amount of water used to wash and rinse a full load of clothes, in gallons, by (2) the capacity of the wash tub, in cubic feet.)

The Commission first adopted appliance standards, and related definitions, test methods, information-submittal requirements, and compliance and enforcement rules, in 1976; the Commission has periodically revised the regulations since then. In 2002 the Commission adopted extensive revisions to the appliance regulations, including energy and water efficiency standards for commercial clothes washers (i.e., clothes washers that are not federally-regulated "consumer products" as defined in federal law).

The current water efficiency standard, which applies to all such commercial clothes washer units manufactured on or after January 1, 2007, prescribes a maximum WF of 9.5. (California Code of Regulations, title 20, Section 1605.3(p)(1).) After the Commission

adopted the commercial clothes washer standard, the California Legislature enacted a statute that requires the Commission, not later than January 1, 2004, to "require that residential clothes washers manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers." (AB 1561 (Chapter 421, Statutes of 2002), enacting Public Resources Code Section 25402(e)(1).)

Federal law currently prescribes energy efficiency standards for residential ("consumer product") clothes washers. (10 Code of Federal Regulations Section 430.22(g).) There is no federal water efficiency standard, for either residential or commercial clothes washers. Federal law appears to preempt state standards on both energy efficiency and water efficiency for residential clothes washers; however, states may petition the federal Department of Energy for a waiver from federal preemption. (42 United States Code Sections 6297(c)(1), 6297(d).) The Legislature has instructed the Commission to file a petition for waiver of the residential clothes washer standards, no later than April 1, 2004. (Public Resources Code Section 25402(e)(2).)

STATUTORY REQUIREMENTS

California law requires that the Commission's appliance efficiency standards (1) apply to appliances that use a significant amount of energy on a statewide basis, (2) be based on feasible and attainable efficiencies or feasible improved efficiencies, and (3) be cost-effective based on a reasonable use pattern (i.e., not result in added total costs to the consumer, considering both any increased costs of the efficiency improvement and any reduced costs resulting from the improved efficiency, over the design life of the appliance). (Public Resources Code Section 25402(c)(1).)

The Commission has previously determined that clothes washers use a significant amount of energy on a statewide basis, when it adopted the current clothes washer standards in 2002. (Clothes washers cause energy use not only to run the motor in the clothes washer itself, but also to heat water in the user's water heater, to pump water to and from the user, and to treat water both before and after use.)

The proposed regulations are feasible and attainable: there are current models of residential clothes washers that meet both the proposed 8.5 and 6.0 WF standards.

The proposed regulations are cost-effective. A Commission Staff Report, *Update of Appliance*

Efficiency Regulations for Residential Clothes Washers (Martin & Holland, September 2003), shows the following costs and savings:

8.5 WF				
Added First Cost	Annual Unit Reduction in Water Use (gallons)	Annual Unit Reduction in Operating Cost (based on \$.0035/gallon)	Simple Payback (years)	Design Life (years)
\$74.05	4,048	\$14.17	5.2	14

6.0 WF				
Added First Cost	Annual Unit Reduction in Water Use (gallons)	Annual Unit Reduction in Operating Cost (based on \$.0035/gallon)	Simple Payback (years)	Design Life (years)
\$135.80	6,973	\$24.41	5.56	14

(This analysis takes account of the reduced cost of water to the user, but not the reduced cost of heating that water, which is difficult to quantify.)

ECONOMIC AND FISCAL IMPACTS

The Commission has made the following initial determinations.

LOCAL MANDATE

The proposed regulations will not impose a mandate on state or local agencies or districts.

FISCAL IMPACT

Costs Requiring Reimbursement. The proposed regulations will not impose on local agencies or school districts any costs for which Government Code sections 17500–17630 require reimbursement.

Other Non-Discretionary Costs or Savings for Local Agencies. There will be savings for local agencies that treat or pump water, because less water will be used in residential clothes washers.

Costs or Savings for State Agencies. There will be savings for state agencies that treat or pump water, because less water will be used in residential clothes washers.

Cost or Savings in Federal Funding to the State. The proposed regulations will not result in any costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

There will be no significant effect on housing costs. The costs of owning and operating a home will decrease slightly as a result of lower water and energy costs for residential clothes washers.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The Commission has initially determined that there will be no significant (or insignificant) adverse

economic, fiscal, or environmental impact on businesses, including small businesses. (No manufacturers of clothes washers are located in California.)

IMPACTS ON THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE, THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES, OR THE EXPANSION OF BUSINESSES IN CALIFORNIA

The proposed regulations will have no impact on the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

There will be no cost impacts that a representative business would incur in compliance with the proposed regulations. Investor-owned water utilities will have a reduction in water treatment and pumping costs.

BUSINESS REPORTS

The proposed regulations would require manufacturers of residential clothes washers to submit data about the water efficiency of the products that they manufacture. It is necessary for the health, safety, or welfare of the people of the state that the proposed regulations apply to business, for two basic reasons. First, the Legislature has required the Commission to adopt the proposed water efficiency standards, and the submittal of data is necessary to determine compliance with the standards. Second, the data required to be submitted will be used to increase consumer awareness, for utility efficiency programs, and for research, all of which will foster additional water efficiency.

SMALL BUSINESS

In general, the proposed regulations will not affect small businesses, because they do not purchase residential clothes washers. If there are any investor-owned water utilities that are small businesses, they will be beneficially affected by the proposed regulations because their costs for water pumping and treatment will be reduced.

ALTERNATIVES

Before it adopts the proposed regulations, the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. To date, the Commission has found no alternatives to the proposed action that would be more effective, or as effective and less burdensome.

CONTACT PERSONS

Please contact the following person, preferably by e-mail, for information about the proceeding or to obtain any document relevant to the proceeding, including the Express Terms, the Initial Statement of Reasons, and any other document in the rulemaking file:

Linda Franklin
California Energy Commission
1516 Ninth Street, Mail Station 26
Sacramento, California 95814-5512
Telephone: 916-654-4008
Fax: 916-654-4304
E-mail: LFrankli@energy.state.ca.us

Please contact the following person, preferably by e-mail, for substantive questions:

R. Michael Martin
California Energy Commission
1516 Ninth Street, Mail Station 26
Sacramento, California 95814-5512
Telephone: 916-654-4039
Fax: 916-654-4304
E-mail: MMartin@energy.state.ca.us

The backup contact person is:

Jim Holland
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
E-mail: JHolland@energy.state.ca.us

PUBLIC ADVISER

The Commission has a Public Adviser whose function it is to assist the public in participating in Commission proceedings. Please contact her if you have general questions about how to function effectively in the rulemaking:

Roberta E. Mendonca, Public Adviser
California Energy Commission
1516 Ninth Street, Mail Station 12
Sacramento, California 95814-5512
Telephone: 916-654-4489
Fax: 916-654-4493
E-mail: RMendonc@energy.state.ca.us

AVAILABILITY OF THE TEXT OF THE PROPOSED REGULATIONS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS, AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

The Express Terms of the proposed regulations, written in plain English and set forth in a format that indicates both the existing text and the proposed text, are available at no cost from the contact person named above. In addition, the Commission has prepared an

Initial Statement of Reasons for the proposed regulations, and it has available all of the information upon which the proposal is based (the rulemaking file); they are also available at no cost from the Contact Person. The Contact Person will also make available any other documents contained in the rulemaking file.

AVAILABILITY OF MODIFIED AMENDMENTS (15-DAY LANGUAGE)

At the November 5, 2003 hearing the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made, and they are sufficiently related to the originally-proposed regulations, the full modified text with changes clearly indicated will be made available to the public at least 15 days before the Commission adopts the regulations. A notice of the availability of any such text will be mailed to: all the persons to whom this notice is being mailed; those who submitted written or oral comments at the hearing; those who submitted written comments during the public comment period; and those who specifically requested to receive modifications to the regulations. In addition, copies may be requested from the contact person named above. The Commission will accept written comments on any such modified text for at least 15 days after the text is made available to the public.

FINAL STATEMENT OF REASONS

The Commission will prepare a Final Statement of Reasons on the regulations, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above.

INTERNET ACCESS

Documents prepared by the Commission for this rulemaking will be posted on the Commission's website,

http://www.energy.ca.gov/appliances_rulemaking/

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Sections 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6, and Adoption of Section 1326-3 of Title 22, California Code of Regulations

UNEMPLOYMENT INSURANCE IDENTITY VERIFICATION

NOTICE OF PROPOSED RULEMAKING

The Employment Development Department (Department) proposes to amend sections 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6, and to

adopt section 1326-3 of the California Code of Regulations (CCR), title 22, on an emergency basis.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Social Security Act (SSA) of 1935 [42 U.S.C. § 301 et seq.] implemented through the subsequent Federal Unemployment Tax Act (FUTA) [26 U.S.C. § 23], created the state-federal partnership responsible for administering the Unemployment Insurance (UI) program. States must conform to these laws or face possible loss of federal administrative funding and federal tax credits to employers. Federal UI laws contain language establishing rules of compliance for employers and eligibility requirements for claimants.

Each State maintains a set of codified UI statutes to provide the legal framework for implementing and enforcing federal law. The Department administers the UI program according to the California Unemployment Insurance Code (code). The code's provisions specify basic compliance rules as well as claimant eligibility requirements. Section 1253(a) of the code provides that a claimant is eligible to receive UI benefits if, while meeting all other requirements of the code, *"A claim for benefits with respect to that week has been made in accordance with authorized regulations. . . ."*

Employers must comply with provisions of the code created to help the Department in its administration of the UI program. The code stipulates in Article 6, section 1085, that employers *" . . . shall keep a true and accurate record of . . . workers and their status. . . the wages paid. . . "* and *" . . . Such other information as the director deems necessary for proper administration of this division."* Section 1092 further requires that every employer shall furnish to the Department *" . . . upon demand, a sworn statement of the matters contained in the records required by Section 1085."*

The provisions in the code are defined and expanded in CCR, title 22. Section 1326-2(b), entitled "New Claim for Unemployment Insurance Benefits—Filing and Contents," provides that at the point a new claim is filed, the Department shall require the claimant to provide *"his or her social security number. . ."* Currently, the only instance where the Department is authorized to request additional identity information documents from the claimant is when the wages of more than one person are reported to the Department under the same social security number. Section 1085-2 of CCR, title 22, entitled "Required Work Records," describes the information employers are required to maintain for each worker. Section

1085-4 requires employers to report information requested by the Department within 10 days after the mailing date of the request.

Recent instances of compromised employer records containing employee information have created the potential for large-scale UI fraud in California. Amendments and additions to CCR, title 22, are necessary so the Department has the legal authority to request and obtain essential identifying information from claimants, potential claimants, and employers to ensure that UI payments are made only to individuals who are legally authorized to act as claimants under the code and to ensure the integrity of the Department's wage records. New regulatory language is needed authorizing the Department to disqualify any claimant who, within a timely manner, fails to comply with Department requests to provide verification of their identity, last or base period employer information, or base period wage information.

Identity theft is a growing national concern as organized efforts to compromise databases and records belonging to employers, financial institutions, and even government entities have recently become known. As the agency charged with administering the UI program which pays benefits totaling nearly one billion dollars in the world's fifth largest economy, the Department must make every effort to ensure that its processes maintain the integrity of the UI program as well as protect its customers from fraud and the solvency of the UI Trust Fund.

Current regulatory language limits instances in which the Department can require a claimant to provide additional information needed to establish his/her identity. Establishing the identity of the person collecting or attempting to collect UI is crucial to detecting and preventing fraud. New regulatory language is needed to authorize the Department to act on credible information from a variety of sources in order to investigate potential fraud and stop benefit payments to individuals who are not the true owner of the identity.

The Department must ensure proper identification procedures are in place as it is necessary that benefits are paid only to eligible claimants. Proposed regulatory language will help assure needed steps are taken to alleviate payment to unauthorized claimants. Without these proposed regulatory changes, it is likely that further fraudulent schemes will jeopardize program integrity. By amending the Department's regulations, the public peace, health and safety, and general welfare are protected.

AUTHORITY AND REFERENCE

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Section 1085, 1092, 1251, 1253(a), 1257, 1264, 1279.5, 1326, and 1327, Unemployment Insurance Code; Section 1324a(b), Title 8, United States Code; Section 1320b-7(d), Title 42, United States Code; and Section 55, Chapter 329, Statutes of 1998; *Noemi L. Gutierrez v. Employment Development Department* (1993) 14 Cal.App.4th, 1791; and 18 Cal.Rptr.2d 705.

FISCAL IMPACT

Anticipated costs or savings in federal funding to the State:

The Department anticipates additional costs in the federal funding to the State. These costs are based on handling claims when the identity has been compromised and screening activities related to identity during the claim filing process.

For the State Fiscal Year (SFY) 2003–2004 and SFY 2004–2005 the Department anticipates total costs for each year to be \$5,676,000.00.

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: The Department does not anticipate this regulatory action will result in any costs to State government, to local county governments, to private individuals, or to businesses and small businesses.

The Department has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The Department has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The costs impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Anticipated impact on housing costs: The proposed regulatory action will have no effect on housing costs.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

Small Business Impact: The Department has determined the proposed regulatory action will have no impact on small businesses as the proposed regulatory action will not impose any new mandates, requirements or cost from the enforcement of this regulation on small businesses.

Local Mandate Determination: The Department has determined that the proposed regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments must include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than November 3, 2003, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi
Employment Development
Department
800 Capitol Mall
Legal Office, Room 5020
Sacramento, CA 95814

Telephone No.: (916) 654-7712
Fax No.: (916) 654-9069
E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Laura Colozzi is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Richard Stewart
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its Internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed EDD Regulations."

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on November 3, 2003.** A request for hearing can be made by contacting the persons noted above.

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulatory amendments discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the amendments; and the information upon which the Department relied in proposing the amendments. (If you received this notice by mail, a copy of the text of the proposed amendments and the statement of reasons were

enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed amendments are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

CHANGE OF LOCATION

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A CONTROL MEASURE FOR DIESEL PARTICULATE MATTER FROM ON-ROAD HEAVY-DUTY RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION VEHICLES

By notice dated May 27, 2003, and published in the June 6, 2003, California Notice Register, Register 2003, No. 23-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider adoption of a control measure to reduce emissions of diesel particulate matter from on-road heavy-duty residential and commercial solid waste collection vehicles. The hearing was originally scheduled to be heard at South Coast Air Quality Management District, Auditorium, 21865 East Copley Drive, Diamond Bar, CA.

PLEASE BE ADVISED that the location has changed as follows:

DATE: September 25, 2003
TIME: 9:00 a.m.
PLACE: **California Environmental
Protection Agency
Air Resources Board
Auditorium, Second Floor
1001 I Street
Sacramento, CA 95815**

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., on September 25, 2003 and may continue at 8:30 a.m., September 26, 2003, if necessary.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-4011 or amalik@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

AIR RESOURCES BOARD

CHANGE OF LOCATION

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF EXHAUST AND EVAPORATIVE EMISSION CONTROL REQUIREMENTS FOR SMALL OFF-ROAD ENGINES LESS THAN OR EQUAL TO 19 KILOWATTS AND EQUIPMENT THAT USE SUCH ENGINES

By notice dated July 29, 2003, and published in the August 8, 2003, California Notice Register, Register 2003, No. 32-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider amendments to the small off-road engine regulations and test procedures, and adoption of evaporative emission standards, certification procedures, and evaporative test procedures for small off-road engines. The hearing was originally scheduled to be heard at the South Coast Air Quality Management District, Auditorium, 21865 East Copley Drive, Diamond Bar, CA.

PLEASE BE ADVISED that the location has changed as follows:

DATE: September 25, 2003
TIME: 9:00 a.m.
PLACE: **California Environmental
Protection Agency
Air Resources Board
Auditorium, Second Floor
1001 I Street
Sacramento, CA 95815**

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., on September 25, 2003 and may continue at 8:30 a.m., September 26, 2003, if necessary.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-4011 or amalika@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

AIR RESOURCES BOARD

NOTICE OF POSTPONEMENT

NOTICE OF PUBLIC MEETING TO CONSIDER APPROVAL OF PROPOSED COMMITMENTS FOR NEW STATEWIDE STRATEGIES TO REDUCE EMISSIONS AND THE PROPOSED 2003 STATE IMPLEMENTATION PLAN FOR THE SOUTH COAST AIR BASIN AND COACHELLA VALLEY

By notice dated August 25, 2003, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider the approval of:

(1) ARB staff's proposed State and Federal Strategy for the California State Implementation Plan (SIP), including revisions to State commitments to adopt and implement additional statewide measures to achieve emission reductions; and (2) elements of the 2003 South Coast Air Quality Management Plan (2003 Plan) which revise the local strategy for attaining or maintaining the national ambient air quality standards for one-hour ozone, inhalable particulate matter (PM10), carbon monoxide (CO), and nitrogen dioxide (NO2) in the South Coast Air Basin, plus an updated plan for PM10 in the Coachella Valley.

The hearing was originally scheduled for September 24, 2003, at 10:00 a.m., at the South Coast Air Quality Management District Auditorium, 21865 East Copley Drive, Diamond Bar, CA.

PLEASE BE ADVISED that the hearing has been postponed to the following date, time and place:

DATE: **October 23, 2003**
TIME: **9:00 a.m.**
PLACE: South Coast Air Quality Management
District Auditorium
21865 E. Copley Drive
Diamond Bar, CA 91765-4182

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., on October 23, 2003 and may continue at 8:30 a.m., October 24, 2003, if necessary.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-4011 or amalika@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF UNIFIED PROGRAM FINAL SURCHARGE RATES FOR FISCAL YEAR 2003/2004

NOTICE IS HEREBY GIVEN that the Secretary for the California Environmental Protection Agency (Cal/EPA) has determined the annual Unified Program, State Surcharge according to California Health and Safety Code (HSC), Division 20, Chapter 6.11, Section 24040.5(b), and California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The State Surcharge is an assessment on each entity regulated under the Unified Program used to fund the necessary and reasonable costs of all State Agencies responsible for program implementation, ongoing maintenance, and oversight of the Unified Program. The following agencies rely on the surcharge to fund Unified Program activities: Cal/EPA Office of the

Secretary, the State Water Resources Control Board, the Department of Toxic Substances Control, the Governor's Office of Emergency Services, and the Office of the State Fire Marshal. The State Surcharge is evaluated annually by the Secretary and revised as necessary to meet statutory and regulatory requirements.

The proposed State Surcharge was public noticed in the California Regulatory Notice Register (Z-Register) for 30 days beginning May 23, 2003, and comments were received from eight entities. Copies of the comments and our responses are attached to this notice. Cal/EPA has amended the state surcharge for the California Accidental Release Prevention Program from the proposed \$350 to \$270. The new State Surcharge will be posted in the Z-Register on September 19, 2003; Certified Unified Program Agencies will be responsible for collecting the new State Surcharge as part of their Single Fee System beginning November 18, 2003.

STATE SURCHARGE

For Fiscal Year 2003/2004, the State Surcharge is set as follows:

Hazardous Materials (Formerly known as CUPA Oversight or Part A)	\$24.00
Underground Storage Tank (Formerly known as Part B)	\$15.00
California Accidental Release Prevention Program (Formerly known as Part D)	\$270.00

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR AN EMERGENCY RESPONSE INCIDENT OPERATIONS VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR CONTRA COSTA COUNTY PUBLIC WORKS MARTINEZ CORPORATION YARD.

On August 28, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Contra Costa County Public Works Martinez Corporation Yard, a registered transporter of hazardous waste, to conduct emergency response incident operations authorized under the California Code of Regulations, title 22, section 66263.43. The variance permits the grantee to transport emergency response hazardous waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to

the Code of Federal Regulations, title 49, part 172, subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on September 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR A SMALL LOAD OPERATIONS VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR DAVID H. FELL & CO., INC.

On September 2, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to David H. Fell & Co., Inc., a registered transporter of hazardous waste, to conduct small load operations authorized under the California Code of Regulations, title 22, section 66263.46. The variance permits the grantee to transport up to 100 kilograms per load, and no greater than 1000 kilograms per calendar month of RCRA-exempt hazardous waste directly to an authorized facility using a shipping paper instead of a hazardous waste manifest.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on September 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

MEDICAL BOARD OF CALIFORNIA**NOTICE OF CONTINUATION OF HEARING
MIDWIFERY SUPERVISION AND
STANDARDS OF CARE**

The hearing for proposed regulations on Midwifery Supervision and Standards of Care, which was originally held on August 1, 2003, has been continued.

Existing law (Business and Professions Code Section 2507(f)) requires the division to adopt regulations to define the appropriate standard of care and level of supervision for licensed midwives. This regulation would implement that code section by adopting section 1379.23.

The original hearing on the proposed regulation was noticed in the California Regulatory Notice Register on June 13, 2003 [Register 2003, #24-Z]. The Division of Licensing, Medical Board of California, will continue this hearing as follows:

Date of Continued

Hearing: Friday, November 7, 2003

Time of Continued

Hearing: 8:30 a.m.

Location of Continued

Hearing: Sheraton Suites
701 A Street
San Diego, CA

CONTACT PERSONS

Inquiries or comments concerning the substance of the proposed rulemaking may be addressed to:

Name: Terri Kizer
Address: Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825
Telephone No.: (916) 263-2393
Fax No.: (916) 263-2567
E-Mail Address: TKizer@medbd.ca.gov

The backup contact person is:

Name: Kevin A. Schunke
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2368
Fax No.: (916) 263-2387
E-Mail Address: Kschunke@medbd.ca.gov

Web site Access: Materials regarding this proposal can be found at www.medbd.ca.gov.

**PUBLIC EMPLOYEES'
RETIREMENT SYSTEM****PROPOSED ADOPTION OF ARTICLE 7.5,
SECTIONS 584 THROUGH 584.10****NOTICE OF RESCHEDULED PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) has re-scheduled the public hearing regarding the above referenced regulatory action from the originally noticed date of September 16, 2003.

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

October 15, 2003

10:30 a.m. (or upon the conclusion of the
Health Benefits Committee Meeting)

California Public Employees' Retirement System
400 P Street
Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Joe Parilo, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 326-3484
Fax: (916) 326-3379
E-mail: joe_parilo@calpers.ca.gov

**SUMMARY OF REGULATORY
ACTIONS****REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD
Administrative Penalty Program**

This regulatory action implements recently enacted sections 42410 and 43023 of the Health and Safety Code which expanded the ARB's authority to impose administrative civil penalties as an alternative to judicial civil penalties.

Title 17

California Code of Regulations

AMEND: 60065.1, 60065.2, 60065.3, 60065.4, 60065.5, 60065.6, 60065.7, 60065.8, 60065.9, 60065.10, 60065.11, 60065.12, 60065.13, 60065.14, 60065.15, 60065.16, 60065.17, 60065.18, 60065.19, 60065.20, 60065.21, 60065.22, 60065.23, 60065.24, 60065.25, 6006

Filed 09/04/03

Effective 10/04/03

Agency Contact:

Michael L. Terris (916) 327-2032

CALIFORNIA GAMBLING CONTROL COMMISSION

Registration of Manufacturers or Distributors of Gambling Equipment

This action is the emergency readoption of regulations establishing registration and reporting requirements for manufacturers and distributors of gambling equipment in California. These readopted regulations were initially adopted in OAL file numbers 02-0926-03E and 02-1127-07E and readopted in 03-0117-07EE and 03-0513-01EE.

Title 4

California Code of Regulations

ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310
AMEND: 12301, 12303

Filed 09/08/03

Effective 09/08/03

Agency Contact: Herb Bolz (916) 263-0700

CALIFORNIA HORSE RACING BOARD

General Provisions

The California Horse Racing Board is amending its conflict of interest code found at Title 4, California Code of Regulations, Section 2000. This amendment was approved for filing by the Fair Political Practices Commission on July 7, 2003.

Title 4

California Code of Regulations

AMEND: 2000

Filed 09/09/03

Effective 10/09/03

Agency Contact: Pat Noble (916) 263-6033

COLORADO RIVER BOARD OF CALIFORNIA
Conflict of Interest Code

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices Commission and is submitted for filing with the Secretary of State and printing only.

Title 14

California Code of Regulations

AMEND: 12010

Filed 09/05/03

Effective 10/05/03

Agency Contact: Gerald R. Zimmerman

DEPARTMENT OF HEALTH SERVICES

Annual Healthcare Common Procedure Coding System (HCPCS) Update

This certificate of compliance makes permanent the emergency regulatory action (OAL file no. 03-0325-03E) that was the annual update of DHS regulations implementing the U.S. Health Care Financing Administration common procedure coding system pursuant to Welfare & Institutions Code section 14105.

Title 22

California Code of Regulations

AMEND: 51319, 51507.2, 51515, 51517, 51521

Filed 09/04/03

Effective 09/04/03

Agency Contact:

Jasmin Delacruz (916) 657-0501

DEPARTMENT OF INSURANCE

Low Cost Auto Insurance Program Uninsured Motorists/Medical Payment Rates

This Certificate of Compliance amends the California Low Cost Automobile Insurance Program Plan of Operations to provide rates for optional uninsured motorist and medical payment coverage. (Previous OAL file ##03-0103-01E and 03-0428-03EE)

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 09/09/03

Effective 09/09/03

Agency Contact:

Mary Ann Shulman (415) 538-4133

DEPARTMENT OF INSURANCE

Special Investigation Units regulations

Special Investigation Units regulations

Special Investigation Units regulations

This emergency action repeals the current regulations on special investigative units of insurance companies and adopts new regulations in their place in order to increase the detection and deterrence of insurance fraud, thereby protecting the public welfare.

Title 10

California Code of Regulations

ADOPT: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 3698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

Filed 09/04/03

Effective 09/04/03

Agency Contact: Debra Chaum (415) 538-4115

DEPARTMENT OF INSURANCE

Holocaust Victim Insurance Relief Act of 1999—
Holocaust Insurance Registry

This nonsubstantive rulemaking repeals the regulations which implemented the Holocaust Victim Insurance Relief Act of 1999. This action is being taken as a result of the United States Supreme Court finding that the underlying statute was unconstitutional.

Title 10

California Code of Regulations

ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5

Filed 09/09/03

Effective 09/09/03

Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF REAL ESTATE

Miscellaneous Real Estate Regulations

This action makes miscellaneous revisions to various Department regulations governing areas such as real estate license fictitious names, requirements for continuing care subdivisions, requirements for time-share occupancy point systems, etc.

Title 10

California Code of Regulations

ADOPT: 2791.3, 2792.33, 2810.3, 2836, 2860

AMEND: 2731, 2790.5, 2791.8, 2792.26, 2848, 2853, 2910, 2911, 2912, 2930, 2950, 3000, 3006

Filed 09/05/03

Effective 10/05/03

Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF SOCIAL SERVICES

Family Child Care Editorial Correction

This filing corrects a cross-reference that identifies the provision of the Child Day Care Act that provides for progressive civil penalties

Title 22, MPP

California Code of Regulations

AMEND: 102395

Filed 09/08/03

Effective 10/08/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Food Stamp Reauthorization Act of 2002

The regulatory action is the Certificate of Compliance for the emergency regulatory action that implemented the Food Stamp Reauthorization Act of 2002 which restored federal food stamp eligibility for legal non-citizens who have lawfully resided in the United States for five years beginning on the date of entry. (Prior OAL File 03-0318-02E; Department Of Social Services file Number ORD#1202-26.)

Title MPP

California Code of Regulations

AMEND: 63-405

Filed 09/08/03

Effective 09/08/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

EMPLOYMENT DEVELOPMENT DEPARTMENT

Employers' Duties Regarding Notification to Employees

This is a nonsubstantive action repealing a subsection which contains a reference to another section that was repealed back in 1996.

Title 22

California Code of Regulations

AMEND: 1089-1

Filed 09/04/03

Effective 10/04/03

Agency Contact: Laura Colozzi (916) 654-7712

FISH AND GAME COMMISSION

Resident Upland Game Birds

This regulatory action reduces the number of permits to hunt sage grouse in the North Mono Zone from 25 to 10.

Title 14

California Code of Regulations

AMEND: 300(a)

Filed 09/04/03

Effective 09/04/03

Agency Contact: John M. Duffy (916) 653-4899

FRANCHISE TAX BOARD

Conflict of Interest Code

The Franchise Tax Board is amending its conflict of interest code found at Title 18, California Code of Regulations, Section 17000.30. These changes were approved for filing by the Fair Political Practices Commission on July 7, 2003.

Title 18

California Code of Regulations

AMEND: 17000.30

Filed 09/04/03

Effective 10/04/03

Agency Contact:

Colleen Berwick (916) 845-3306

STRUCTURAL PEST CONTROL BOARD

Citations and Fines

In this filing, the Structural Pest Control Board makes changes without regulatory effect which correct spelling/printing errors in a regulation entitled "Citations and Fines."

Title 16

California Code of Regulations

AMEND: 1920

Filed 09/04/03
Effective 10/04/03
Agency Contact:
Delores Coleman (916) 263-2540

SUPERINTENDENT OF PUBLIC INSTRUCTION
Regional Market Rate

This emergency regulatory action establishes the regional market rate for payments to child care providers.

Title 5
California Code of Regulations
ADOPT: 18074, 18074.1, 18074.2, 18074.3, 18075, 18075.1, 18075.2, 18076, 18076.1, 18076.2
AMEND: 18413, 18428 REPEAL: 18021
Filed 09/04/03
Effective 09/04/03
Agency Contact: Debra Strain

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MAY 7, 2003
TO SEPTEMBER 10, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

07/01/03 AMEND: 1038
05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, App. A (Form 1013)

Title 2

08/29/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
08/28/03
08/25/03 ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145
08/18/03 AMEND: 599.515
08/14/03 ADOPT: 18531.5
08/13/03 AMEND: 41000
08/01/03 ADOPT: 22100, 22110, 22120, 22130
07/29/03 AMEND: 18404.1
07/14/03 AMEND: 649.11
07/14/03 AMEND: Chapter 55, Section 54400
07/14/03 AMEND: 56800

07/07/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
06/19/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145
06/16/03 ADOPT: 18530.2
06/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
06/12/03 AMEND: 1859.77.2
06/12/03 AMEND: 1555
06/12/03 ADOPT: 18329.5
06/10/03 ADOPT: 18702.5 AMEND: 18702, 18702.1
06/04/03 ADOPT: 649.23, 649.24, 649.25
05/08/03 AMEND: 2970
05/07/03 ADOPT: 471.1 AMEND: 470, 470.1, 471, 472, 17502, 17520
05/07/03 AMEND: 547.80, 17030, 17111, 17112, 17151 REPEAL: 547.81, 17434

Title 3

08/26/03 AMEND: 1380.19 (b), (q), (r), (t), 1402.12, 1446.7, 1454.14, 1462.15
08/26/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3
08/21/03 ADOPT: 820, 820.1, 820.2, 820.3, 820.4, 820.5, 820.6, 820.7, 820.8
08/12/03 AMEND: 4500
07/29/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4, 760.5, 760.6, 760.7, 760.8, 760.9
07/28/03 ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5
07/24/03 AMEND: 3417(b)
07/10/03 AMEND: 3700(c)
07/08/03 AMEND: 3700(c)
07/03/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4, 755.5, 755.6, 756, 756.1, 756.2, 756.3, 757, 758, 758.1, 759 AMEND: 753.2 REPEAL: 757, 759, 759.1, 759.2, 759.3, 759.4, 759.5
06/26/03 AMEND: 3417(b)
06/12/03 AMEND: 3423(b)
06/03/03 AMEND: 3417
06/02/03 REPEAL: 796
05/28/03 ADOPT: 1392.12
05/22/03 AMEND: 6860
05/19/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

Title 4

09/09/03 AMEND: 2000

09/08/03 ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12301, 12303

08/25/03 ADOPT: 12250

08/18/03 AMEND: 12101, 12122

07/14/03 ADOPT: 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162

06/26/03 AMEND: 12100, 12101, 12104, 12105, 12120, 12122, 12124, 12126, 12128, 12130, 12132, 12140, 12142

06/16/03 ADOPT: 12370

05/22/03 ADOPT: 12300, 12301, 12302, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12301, 12303, 12309

Title 5

09/04/03 ADOPT: 18074, 18074.1, 18074.2, 18074.3, 18075, 18075.1, 18075.2, 18076, 18076.1, 18076.2 AMEND: 18413, 18428 REPEAL: 18021

08/26/03 ADOPT: 11971, 11972, 11973, 11974, 11975, 11976, 11977, 11978, 11979, 11979.5

07/31/03 AMEND: 80014, 80015, 80015.1, 80023 REPEAL: 80085, 80085.1, 80086, 80087, 80088, 80412, 80413.2, 80414, 80422, 80680-80690.1

07/21/03 ADOPT: 1068-1074

07/18/03 ADOPT: 80473, 80473.1

07/03/03 AMEND: 51023.5

06/20/03 ADOPT: 13075

06/16/03 ADOPT: 9531, 9532

05/15/03 ADOPT: 24000, 24001, 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009

Title 7

07/23/03 AMEND: 213(i)

06/03/03 AMEND: 201, 202, 203, 204, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222

Title 8

08/26/03 AMEND: 3273

08/25/03 AMEND: 2561.31, 2561.32, 4885, 5022

08/04/03 ADOPT: 3458 AMEND: 3437

07/31/03 AMEND: 1532, 1532.1, 1535, 5198, 5200, 5201, 5207, 5211, 5214, 5218, 5220

07/28/03 AMEND: 3016, 3120.6, 2122.0

07/24/03 AMEND: 1532.1

07/21/03 AMEND: 5557

07/11/03 AMEND: 1504, 1637

07/11/03 ADOPT: 5248, 5252.1, 5253.1, 5298.1, 5307, 5308 AMEND: 1504, 5236, 5237, 5238, 5239, 5240, 5241, 5242, 5243, 5244, 5245, 5246, 5247, 5251, 5252, 5253, 5254, 5256, 5257, 5258, 5262, 5267, 5268, 5269, 5270, 5276, 5277, 5278, 5279, 5280, 5291, 5292, 5293,

07/03/03 ADOPT: 5006.1 AMEND: 5006

07/03/03 AMEND: 1635, 1710

06/26/03 AMEND: 421, 422, 422.1, 423, 424.1, 424.2, 424.3, 424.4, 425.1, 425.2, 426, 427.1, 427.2, 427.3, 427.4, 428

06/12/03 ADOPT: 3195, 3195.2, 3195.3, 3195.4, 3195.5, 3195.6, 3195.7, 3195.8, 3195.9, 3195.10, 3195.11, 3195.12, 3195.13, 3195.14

06/09/03 AMEND: 344.30

06/02/03 AMEND: 4821

05/30/03 ADOPT: 15220, 15220.1, 15220.2, 15220.3, 15220.4, 15220.5, 15220.6, 15220.7, 15220.8 AMEND: 15201, 15210, 15210.1, 15210.2, 15216, 15430

05/29/03 AMEND: 5161, 5164

05/27/03 AMEND: 5214

05/20/03 AMEND: 9785, 9785.2, 9785.3, 9786, 9787

05/07/03 ADOPT: 20400, 20401, 20402, 20403, 20404, 20405, 20406, 20407, 20408, 20450

Title 9

06/19/03 ADOPT: 1840.112 AMEND: 1830.215

06/05/03 ADOPT: 880, 881, 882, 883, 884, 885, 886, 890, 891, 892

05/20/03 ADOPT: 7149.1 AMEND: 7174

Title 10

09/09/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5

09/09/03 AMEND: 2498.6

09/05/03 ADOPT: 2791.3, 2792.33, 2810.3, 2836, 2860 AMEND: 2731, 2790.5, 2791.8, 2792.26, 2848, 2853, 2910, 2911, 2912, 2930, 2950, 3000, 3006

09/04/03 ADOPT: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

09/02/03 AMEND: 2498.6

08/28/03 AMEND: 2498.6

08/26/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12, 2192.13

08/25/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5

08/21/03 ADOPT: 2175.6, 2175.7, 2175.8, 2175.9, 2178
 08/21/03 ADOPT: 2187.4
 08/12/03 AMEND: 2615.3
 08/04/03 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.201,
 07/31/03 ADOPT: 2699.6612, 2699.6827 AMEND: 2699.6500, 2699.6600, 2699.6607, 2699.6611, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.6813, 2699.6815, 2699.6819
 07/29/03 AMEND: 5002, 5009, 5010
 07/21/03 ADOPT: 2361
 07/21/03 ADOPT: 1709.1, 1717.2, 1730.1, 1737.1, 1737.2, 1738.6 AMEND: 1710, 1717.2, 1726, 1730, 1732.2, 1737, 1737.1, 1737.3, 1738, 1738.2, 1738.3, 1738.5, 1740.1, 1740.4, 1741.1
 07/15/03 ADOPT: 2716.1, 2790.1.5, 2805.1.5
 07/14/03 AMEND: 2190.05, 2190.7
 07/14/03 ADOPT: 2020, 2021 AMEND: 250.51
 07/11/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 07/03/03 AMEND: 2498.2
 07/03/03 AMEND: 260.102.14
 06/19/03 AMEND: 5.2001
 06/10/03 ADOPT: 310.156.3 AMEND: 310.114.1
 06/05/03 AMEND: 2695.2
 06/03/03 AMEND: 2509.40, 2509.41, 2509.42, 2509.43, 2509.44, 2509.45, 2509.46, 2509.47, 2509.48, 2509.49, 2509.50, 2509.51, 2509.52, 2509.53, 2509.54, 2509.55, 2509.56, 2509.57, 2509.58, 2509.59, 2509.60, 2509.61, 2509.62, 2509.63, 2509.64, 2509.65, 2509.66, 250
 06/03/03 ADOPT: 2615, 2615.1, 2615.2, 2615.3 AMEND: 2698.99.10, 2698.99.11, 2698.99.12, 2698.99.13
 05/20/03 AMEND: 2699.100, 2699.200, 2699.201, 2699.202, 2699.205, 2699.206, 2699.207, 2699.210, 2699.300, 2699.301, 2699.303, 2699.304, 2699.400

Title 11

08/25/03 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51
 08/21/03 AMEND: 1005, 1080, 1081
 08/07/03 AMEND: Article 20, Section 51.19
 07/28/03 AMEND: 1007

07/21/03 ADOPT: 1009, 1083 AMEND: 1001, 1070, 1071, 1082
 07/08/03 AMEND: 1005
 07/03/03 AMEND: 1081
 06/26/03 AMEND: 1002
 06/06/03 AMEND: 1053
 06/02/03 AMEND: 1003

Title 12

08/12/03 ADOPT: 506, 507
 05/29/03 AMEND: 3000

Title 13

08/21/03 ADOPT: 551.10 AMEND: 551.8, 553, 553.40
 08/11/03 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72
 07/23/03 AMEND: 25.01
 07/18/03 AMEND: 330.02, 330.06, 330.20, 330.32, 330.42, 330.44, 330.46, 330.48
 06/26/03 AMEND: 181.00
 06/23/03 ADOPT: 150.04
 06/16/03 ADOPT: 2480
 05/12/03 ADOPT: 147.00
 05/12/03 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710
 05/07/03 ADOPT: 82.00

Title 14

09/05/03 AMEND: 12010
 09/04/03 AMEND: 300(a)
 09/02/03 AMEND: 120.7, 190
 08/28/03 AMEND: 671.1
 08/21/03 AMEND: 677
 08/21/03 AMEND: 791.7
 08/14/03 AMEND: 11900
 08/13/03 AMEND: 27.82, 27.83
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